

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, March 18, 2022
9:00 A.M.**

VIDEOCONFERENCE



VOTING MEMBERS:

Chief Justice Steven González, Chair
Washington State Supreme Court

Judge Tam Bui, Member Chair
District and Municipal Court Judges' Association
Snohomish County District Court

Judge Rachelle Anderson, President
Superior Court Judges' Association
Spokane County Superior Court

Judge Rebecca Glasgow
Court of Appeals, Division II

Judge Marilyn Haan
Superior Court Judges' Association
Cowlitz County Superior Court

Judge Dan Johnson
District and Municipal Court Judges' Association
Lincoln County District Court

Judge Mary Logan
District and Municipal Court Judges' Association
Spokane Municipal Court

Judge David Mann
Court of Appeals, Division I

Justice Raquel Montoya-Lewis
Washington State Supreme Court

Judge Rebecca Pennell
Court of Appeals, Division III

Judge Rebecca Robertson
District and Municipal Court Judges' Association
Federal Way Municipal Court

Judge Michael Scott
Superior Court Judges' Association
King County Superior Court

Judge Charles Short, President
District and Municipal Court Judges' Association
Okanogan County District Court

Judge Paul Thompson
Superior Court Judges' Association
Snohomish County Superior Court

Judge M. Scott Wolfram
Superior Court Judges' Association
Walla Walla Superior Court

NON-VOTING MEMBERS:

Judge Marlin Appelwick,
Presiding Chief Judge
Court of Appeals, Division I

Judge Jennifer Forbes, President-Elect
Superior Court Judges' Association
Kitsap County Superior Court

Commissioner Rick Leo, President-Elect
District and Municipal Court Judges' Association
Snohomish County District Court

Terra Nevitt, Interim Executive Director
Washington State Bar Association

Dawn Marie Rubio
State Court Administrator

Brian Tollesfson, President
Washington State Bar Association



Board for Judicial Administration (BJA)
Friday, March 18, 2022 (9:00 a.m.–12:00 p.m.)

Zoom Meeting

AGENDA

<p>1. Call to Order Welcome and Introductions</p> <p>Land acknowledgement</p>	<p>Chief Justice Steven González Judge Tam Bui</p> <p>Dawn Marie Rubio</p>	<p>9:00 a.m.</p>
<p>2. Presentation: State of the State Courts: NCSC 2021 Poll Summary</p> <p>Small Group Discussions: <i>please assign someone to take notes and report back</i></p> <ol style="list-style-type: none"> 1. The majority of voters said the state courts are not innovative and nearly half said they are not a good investment of taxpayer dollars. Do they have a point? What can we do to change the narrative? 2. Many people report that travel and time off from work and school are barriers to accessing the justice system and disproportionately affect communities of color. What strategies can our courts employ to reduce those barriers? What role can BJA play? 3. The surveys have shown a significant movement toward public openness to remote proceedings. However, there is concern that publicity or social media reports of poor implementation or bad experiences could quickly change that attitude. What can courts do to help ensure that participants in remote proceedings have a positive experience? What can BJA do to assist? 4. Most people would prefer to handle their traffic, consumer debt and small claims cases remotely. Should all courts be doing this in the post-pandemic world? Are there legal or technical barriers? If so, what can BJA do to assist? 	<p>Dirk Marler</p> <p>Chief Justice Steven González/Judge Tam Bui</p>	<p>9:10 Tab 1</p> <p>9:25</p>
<p>3. Judicial Leadership Summit June 17, 9:00 a.m.–12:30 p.m. Sharing information</p>	<p>Chief Justice Steven González</p>	<p>10:10</p>
<p>Break</p>		<p>10:20</p>

<p>4. BJA Task Forces Court Security</p> <p>Court Recovery</p>	<p>Judge Rebecca Robertson/Judge Sean O'Donnell/Penny Larsen</p> <p>Chief Justice Steven González/Jeanne Englert</p>	<p>10:30 Tab 2</p>
<p>5. Standing Committee Reports</p> <p>Policy and Planning Committee Action: Motion to Approve Resolution on Language Access Services</p> <p>Budget and Funding Committee</p> <p>Court Education Committee</p> <p>Legislative Committee Legislative Session Update</p>	<p>Judge Rebecca Robertson/Penny Larsen</p> <p>Judge Mary Logan/Chris Stanley</p> <p>Judge Tam Bui/Judith Anderson</p> <p>Judge Kevin Ringus/Brittany Gregory</p>	<p>10:45 Tab 3</p>
<p>6. Discussion: Interbranch Committee</p> <ul style="list-style-type: none"> • How do we utilize this new opportunity? • What do we want to see come out of it? • How do we address membership? • What are the top priorities that we want to communicate in this group? 	<p>Chief Justice Steven González</p>	<p>11:15 Tab 4</p>
<p>7. Status of Emergency orders</p>	<p>Chief Justice Steven González</p>	<p>11:30</p>
<p>8. February 18, 2022 Meeting Minutes Action: Motion to Approve the Minutes of the February 18, 2022 Meeting</p>	<p>Chief Justice Steven González</p>	<p>11:40 Tab 5</p>
<p>9. Information Sharing BJA summary of goals and progress for 2021–2022 (handout)</p> <p>Member sharing</p>	<p>Chief Justice Steven González Judge Tam Bui</p>	<p>11:45 Tab 6</p>
<p>10. Adjourn</p>		
<p>Persons who require accommodations should notify Jeanne Englert at 360-705-5207 or jeanne.englert@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.</p>		

Next meetings:

May 20, 2022 – Zoom (9:00 a.m.–12:00 p.m.)

June 17, 2022 – Zoom Judicial Leadership Summit (9:00 a.m.–12:30 p.m.)

State *of the* State Courts

// 2021 POLL



<https://www.ncsc.org/topics/court-community/public-trust-and-confidence/resource-guide/state-of-the-state-courts>

// KEY FINDINGS



Public trust measures are the lowest since NCSC began tracking confidence indicators, which is consistent with virtually all other surveys taken recently. This is true across all institutions of government.



Large numbers of respondents indicate that **barriers to getting to a courthouse exist**, which connects clearly with expressed enthusiasm for accessing services remotely.



Two-thirds of respondents say they are **comfortable using video technology** in their lives. A majority indicate a preference for remote participation in certain types of cases, while in others most would still rather appear in person.



A clear majority would like to see **remote hearings continue**—but there are significant differences of opinion driven by age.

TAB 2

March 18, 2022

TO: Board for Judicial Administration (BJA) Members

FR: Judge Sean O'Donnell and Judge Rebecca Robertson
Co-Chairs, BJA Court Security Task Force

RE: REPORT OF THE COURT SECURITY TASK FORCE

Task Force Co-Chairs, Chief Justice González and Penny Larsen met with several more legislators around the time that both chambers released their budget released on February 21. The House Appropriations budget included \$1.6 million for the security equipment portion of the funding request. The Senate Ways and Means budget did not include any funding for court security. The Task Force assembled two panels to testify at the Ways and Means and Appropriation public hearings on February 21. One panel with Judge Charles Short, Judge Carolyn Jewett and Task Force Co-Chair, Judge Rebecca Robertson. The second panel consisted of two victim advocates, Director of Victim Services, Colleen McIngalls, King County Prosecutor's Office, and Nancy Sprott, Director of Victim Services, Rural Resources Community Action.

An amendment sponsored by Senator Conway to match the House funding was withdrawn. The final budget released after the conference hearing on March 9 did not include funding for court security. The messages received from legislators was that court security is an issue for local governments to fund. The cogent arguments presented were not successful and the Task Force and the BJA will discuss next steps in the coming months.

TAB 3

March 18, 2022

TO: Board for Judicial Administration (BJA) Members
FROM: Judge Rebecca Robertson, Chair, Policy and Planning Committee (PPC)
RE: REPORT OF POLICY AND PLANNING COMMITTEE

2022 Committee Work Plan Update:

Adequate Funding Project

The PPC presented the local court funding survey findings and facilitated small group discussion questions at the February BJA meeting. Members will review discussion group notes and move forward with conducting a focus group or informational interviews to gain a better understanding of the local government budget process and to research approaches to non-fee based funding.

Strategic Initiative Request for Proposals

Members agreed upon an ambitious timeline for processing the first BJA Strategic Initiative Request for Proposals since 2018. The announcement was sent to court and justice partners on March 8, and the deadline for submitting a proposal is April 21, 2022. The PPC will evaluate proposals submitted and present recommendations to the BJA at the May 2022 meeting.

Workplace Harassment Recommendations from Gender and Justice Report

The PPC reviewed the recommendations from the report and came up with a list of ideas to implement the recommendations. A Gender and Justice Committee member will attend an upcoming PPC meeting to discuss the implementation plan.

Inter-Branch Process Timeline

The PPC will present the draft Process Timeline that includes key policy and funding dates to the BJA Legislative and Budget and Funding Committees for input. Developing a timeline was a key recommendation from the 2021 Judicial Leadership Summit to augment inter-branch communication. The final product will be ready for the 2023–2025 biennium legislative session.

BJA Resolution Review

Members reviewed the amended Language Access Resolution had no recommended revisions. It will come forward as a motion for the BJA consideration at today's meeting.

Charter Review

The PPC will review the committee charter and propose recommendations for revisions before the end of the program year.



March 18, 2022

TO: Board for Judicial Administration (BJA) Members

FR: Judge Rebecca Robertson, Chair, Policy and Planning Committee

RE: MOTION for BJA RESOLUTION ON LANGUAGE ACCESS SERVICES

Motion Request: Amend and Readopt BJA Resolution in Support of Language Access Services.

The Policy and Planning Committee present this motion to update the Language Access Services Resolution. The new sections include reference to RCW 2.4.010 and added language on sign language services for persons with hearing loss, hearing/vision loss or speech disabilities.

Your consideration to readopt the amended resolution is respectfully requested.

BOARD FOR JUDICIAL ADMINISTRATION

RESOLUTION REQUEST COVER SHEET

Language Access Services Resolution

SUBMITTED BY: Washington State Supreme Court Interpreter Commission

(1) **Name(s) of Proponent(s):** Supreme Court Interpreter Commission

(2) **Spokesperson(s):** Judge Michael Diaz, Chair, Supreme Court Interpreter Commission and Superior Court Judges Association Representative to the Commission

(3) **Purpose:** Washington State has long recognized the need for interpreter services to allow access to courts by deaf, deaf-blind, hard of hearing or speech-disabled persons who prefer or need to communicate using a signed language. The legislative intent behind the adoption of RCW 2.42 was to establish the policy of the State of Washington “to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech, are unable to readily understand or communicate the spoken English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.” RCW 2.42.010 (Interpreters in Legal Proceedings).

The renewal of this Resolution, with its new, clarifying language offered for consideration to the Board of Judicial Administration, seeks to extend to individuals who are deaf, deaf-blind, hard of hearing, or speech-disabled the constitutional and statutory protections the Board has previously recognized as integral to the access to the fair administration of justice for and by limited-English proficient (LEP) individuals under the previous resolution adopted by the Board on May 2017.

The newly added wording will serve notice that the Board has resolved to include individuals with hearing loss or a speech disability who rely on sign language interpreters in its Language Access Services Resolution. The additional acknowledgement through the language of this renewed and revised Resolution remains consistent with the prior 2017 Resolution adopted by the Board of Judicial Administration. Furthermore, the provision of free and qualified interpreter services in all legal proceedings will continue to promote the Principal Policy Objectives of the State Judicial Branch regarding the fair and effective administration of justice in all civil and criminal cases, and accessibility to Washington courts.

(4) Desired Result:

- 1) The BJA should continue to endorse the provision of interpreter services, at court expense, in all legal proceedings, both criminal and civil; and
- 2) Ensure that all courts in Washington's judicial system make available access to language services so that the effective and meaningful participation of persons who are Limited English-Proficient, as well as those who are deaf, deaf-blind, hard of hearing, or speech-disabled, can be realized.

(5) Expedited Consideration: Expedited consideration is requested as this is a clarifying addition to the previous resolution and not a new policy addition. All courts in Washington are providing access to sign language interpreter services at present so this resolution will not result in an additional new fiscal impact on court operations.

(6) Supporting Material: (Please list and attach all supporting documents.)

- a. Proposed Resolution (from 2017, with changes)

RESOLUTION of the BOARD FOR JUDICIAL ADMINISTRATION
of the State of Washington

In Support of Language Access Services In Court

WHEREAS, equal access to courts is fundamental to the American system of government under law; and

WHEREAS, language barriers can create impediments to access to justice for individuals who are limited-English proficient and for deaf, deaf-blind, hard of hearing or speech-disabled individuals who rely on signed language; and

WHEREAS, it is the policy of the State of Washington “to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.” RCW 2.43.010 (Interpreters for non-English speaking persons); and

WHEREAS, it is the policy of the State of Washington “to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech, are unable to readily understand or communicate the spoken English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.” RCW 2.42.010 (Interpreters in Legal Proceedings); and

WHEREAS, courts rely upon interpreters to be able to communicate with limited-English proficient litigants, witnesses and victims in all case types; and

WHEREAS, courts rely on sign language interpreters to be able to communicate with persons, who by reason of inability to speak English or adequately hear and understand a spoken language, are appearing in court as litigants, witnesses, victims, jurors and public viewers in all case types; and

WHEREAS, the State has previously acknowledged a responsibility to share equally with local government in the costs incurred in paying for quality court interpreting services; and

WHEREAS, the Board for Judicial Administration recognizes the benefit that interpreting services provided to limited English proficient litigants and those with hearing loss, hearing/vision loss or speech disability and to the fact-finder are critically important in the efficient and effective administration of justice; and

WHEREAS, the Board for Judicial Administration previously adopted a Resolution to, among other things, “remove impediments to access to the justice system, including

physical and language barriers, rules and procedures, disparate treatment and other differences that may serve as barriers.” (Board for Judicial Administration, Civil Equal Justice); and

WHEREAS, the provision of free and qualified interpreter services in all legal proceedings promotes the Principal Policy Objectives of the State Judicial Branch regarding fair and effective administration of justice in all civil and criminal cases, and accessibility to Washington courts;

NOW, THEREFORE, BE IT RESOLVED:

That the Board for Judicial Administration:

- 1) Endorses the provision of interpreter services, at public expense, in all legal proceedings, both criminal and civil;
- 2) Supports the elimination of language–related impediments to access to the justice system for limited English proficient persons;
- 3) Supports the elimination of language–related impediments to access to the justice system for deaf, deaf-blind, hard of hearing, or speech-disabled persons; and
- 4) Encourages the State to fulfill its commitment to share equally in the responsibility to provide adequate and stable funding for court interpreting services.

ADOPTED BY the Board for Judicial Administration on _____.

March 9, 2022

TO: Board for Judicial Administration Members

FROM: Judge Tam Bui, BJA Court Education Committee Chair
Judge Douglas J. Fair, BJA Court Education Committee Co-Chair

RE: Court Education Committee Report

The CEC sponsored the *Situational Awareness and Personal Safety* webinar on February 16, 2022. It was open to a wide range of audiences within the court system. At the peak there were approximately 318 participants. This two-hour webinar was conducted by Mr. Jesus Villahermosa and was very well received. We recorded it but via an agreement with Mr. Villahermosa it was only available until the end of February and has since been taken down. Hopefully, we will be able to work with him to create an online safety program for our Institute for New Court Employees this fiscal year.

Though not funded by CEC, the Education Team is working with Justice Stephens, Dividing the Waters, and National Judicial College to bring education and training to Superior Court Judges in Washington. There are several counties that will be facing adjudication on water rights, and climate change has impacted growth management and other environment cases at the superior court level.

The design and development of seven, and soon to be eight areas of education under 1320 (Civil DV Protection Orders) has begun. The first session being developed is entitled *Procedural Justice*, with Judge Dave Larson, Federal Way Municipal Court, and other subject matter experts. This will be an ongoing project.

The Distance Learning Coordinator continues to work on the self-registration. Online courses are being finalized and vetted and loaded up into the site in preparation for a pilot testing event within the next few weeks.

Judicial Assistance Service Program (JASP) continues their work on a self-paced program titled *Anger to Authenticity: Keeping Order Within*, to be made available to all judicial officers.

Since the last report of February 9, 2022, the Education Team has completed the following webinars:

- *Situational Awareness and Personal Safety* – sponsored by the Board for Judicial Administration’s Court Education Committee.

Upcoming Webinars:

- *Washington’s New Civil Protection Order Law*- sponsored by Superior Court Judges’ Education Committee and the Gender and Justice Commission – April 6, 2022.

Work in Progress

Court Education Committee’s Strategic Planning.



March 9, 2022

TO: Board for Judicial Administration (BJA) Members
FROM: Judge Kevin Ringus, BJA Legislative Committee Chair
Brittany Gregory, Associate Director, Judicial and Legislative Relations
RE: BJA Legislative Committee Report and Legislative Session Update

2022 Legislative Session

The legislature is scheduled to adjourn on March 10, 2022.

During the legislative session, the BJA Legislative Committee convened weekly over Zoom to discuss pending legislation.

BJA Request Legislation This Session

The BJA proposed five request bills this session, and three of the five bills passed out of both chambers.

- HB 1825 (Creating a process for filling vacancies in single judge courts): Passed out of both chambers unanimously after being amended in Senate, on its way to the Governor's desk.
- HB 1894 (Broadening the extension for juvenile diversion agreements): Passed out of both chambers unanimously, delivered to the Governor.
- SB 5575 (Adding two judges to the Snohomish County Superior Court): Passed out of both chambers unanimously, delivered to the Governor.

There's a possibility that the BJA Legislative Committee will propose the two bills that did not pass (HB 1637 and SB 5609) as BJA request-legislation for the 2023 legislative session.

Other Legislation of Interest This Session

This session the legislature focused on trailer bills to make technical fixes to the legislation passed from the 2021 legislative session. The trailer bills were focused in the areas of police accountability, protection orders, guardianship matters, and COVID-19 housing protections.

There were several pieces of legislation passed by the legislature that will have an impact on the judiciary.

- HB 1412 (Authorizing courts to waive restitution and interest on restitution if individual is indigent or incarcerated): Passed out of both chambers after being amended in Senate, must return to House for final vote.
- HB 1735 (Expands the authority for a peace officer to use physical force, subject to the requirement to exercise reasonable care, in additional specific circumstances): Passed out of both chambers, signed by the Governor.
- HB 1901 (Revises provisions governing court jurisdiction over civil protection order proceedings): Passed out of both chambers after being amended in Senate, must return to House for final vote.
- SB 5490 (Creates an interbranch advisory committee): Passed out of both chambers, delivered to the Governor.
- SB 5788 (Makes changes to laws related to a minor guardianship): Passed out of both chambers after being amended in the House, on its way to the Governor's desk.
- SB 5931 (Authorizes the chief judge of each division of the Court of Appeals to appoint pro tems); Passed out of both chambers, delivered to the Governor.

BJA Legislative Committee Next Activities

The BJA Legislative Committee is soliciting proposals for BJA request legislation for the 2023 legislative session. Proposals and supporting documentation are due June 20. The submittal form will be sent out on March 21 and will be disseminated to the court community through judicial leadership.

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5490

67th Legislature
2022 Regular Session

Passed by the Senate January 26, 2022
Yeas 47 Nays 0

President of the Senate

Passed by the House March 1, 2022
Yeas 58 Nays 40

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5490** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5490

Passed Legislature - 2022 Regular Session

State of Washington 67th Legislature 2022 Regular Session

By Senate Law & Justice (originally sponsored by Senators Pedersen, Padden, Dhingra, and Mullet)

READ FIRST TIME 01/14/22.

1 AN ACT Relating to creating the interbranch advisory committee;
2 adding a new chapter to Title 2 RCW; and providing an expiration
3 date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** There is created an interbranch advisory
6 committee consisting of the following members:

7 (1) Two legislative members, one from each of the two largest
8 caucuses of the house of representatives, appointed by the speaker of
9 the house of representatives. One member shall be a member of a
10 committee having jurisdiction over general civil or criminal law
11 matters and the other member shall be a member of a committee having
12 jurisdiction over the state operating budget;

13 (2) Two legislative members, one from each of the two largest
14 caucuses of the senate, appointed by the president of the senate. One
15 member shall be a member of a committee having jurisdiction over
16 general civil or criminal law matters and the other member shall be a
17 member of a committee having jurisdiction over the state operating
18 budget;

19 (3) One person representing the governor's office, appointed by
20 the governor;

1 (4) One person representing the attorney general's office,
2 appointed by the attorney general;

3 (5) One person representing cities, appointed by the association
4 of Washington cities;

5 (6) One person who is an elected county councilmember
6 representing counties, appointed by the Washington state association
7 of counties;

8 (7) One person representing court clerks, appointed by the
9 Washington state association of county clerks;

10 (8) Eight members from the judicial branch, appointed by the
11 chief justice in consultation with the board of judicial
12 administration, supreme court, court of appeals, superior court
13 judges association, association of Washington superior court
14 administrators, Washington association of juvenile court
15 administrators, district and municipal court judges association,
16 district and municipal court management association, administrative
17 office of the courts, and access to justice board; and

18 (9) One person representing the office of public defense and one
19 person representing the office of civil legal aid, who shall serve as
20 nonvoting members. Nonvoting members must be consulted by the
21 interbranch advisory committee as needed.

22 NEW SECTION. **Sec. 2.** The purpose of the interbranch advisory
23 committee is to foster cooperation, communication, coordination,
24 collaboration, and planning regarding issues of mutual concern among
25 the three branches of state government. An additional purpose of the
26 committee is to suggest ways to provide access to justice and to
27 court services in a just and equitable manner.

28 NEW SECTION. **Sec. 3.** (1) The interbranch advisory committee
29 must select cochairs at its initial meeting. One cochair must be a
30 legislative member and the other cochair must be a judicial member.
31 The committee may set its own meeting schedule. The committee shall
32 discuss issues of mutual concern between the branches. Examples
33 include, but are not limited to:

- 34 (a) Funding legislative mandates;
- 35 (b) Initiatives related to access to justice;
- 36 (c) Issues of local concern;
- 37 (d) Courthouse security; and
- 38 (e) Court technology infrastructure.

1 (2) Staff support for the committee will be provided by the
2 administrative office of the courts. The office of financial
3 management is directed to provide support as requested by the
4 cochairs.

5 NEW SECTION. **Sec. 4.** The interbranch advisory committee shall
6 submit a recommendation to the legislative committees having
7 jurisdiction over general civil or criminal law matters and having
8 jurisdiction over the state operating budget by November 1, 2024, on
9 whether the committee should be legislatively renewed or changed in
10 any way.

11 NEW SECTION. **Sec. 5.** This chapter expires January 1, 2026.

12 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act
13 constitute a new chapter in Title 2 RCW.

--- END ---



Board for Judicial Administration (BJA) Meeting
Friday, February 18, 2022, 9:00 a.m. – 12:00 p.m.
Videoconference

DRAFT MEETING MINUTES

BJA Members Present:

Chief Justice Steven González, Chair
Judge Rachelle Anderson
Judge Jennifer Forbes
Judge Rebecca Glasgow
Judge Dan Johnson
Judge Mary Logan
Judge David Mann
Terra Nevitt
Judge Rebecca Pennell
Judge Rebecca Robertson
Dawn Marie Rubio
Judge Charles Short
Brian Tollefson

Guests Present:

Ellen Attebery
Esperanza Borboa
Derek Byrne
Judge John Chun
Linda Myhre Enlow
LaTricia Kinlow
Robert Mead

**Administrative Office of the Courts
(AOC) Staff Present:**

Nicole Ack
Crissy Anderson
Judith Anderson
Tessa Clements
Cynthia Delostrinos
Jeanne Englert
Heidi Green
Brittany Gregory
Kyle Landry
Penny Larsen
Heather Lichtenberg
Dirk Marler
Carl McCurley
Stephanie Oyler
Cherif Sidiali
Christopher Stanley
Caroline Tawes

Call to Order

Chief Justice González called the meeting to order at 9:01 and welcomed the participants.

Interbranch Advisory Committee

A bill creating an Interbranch Advisory Committee was introduced by Senator Pedersen. The bill would create a formal committee with members from all three government branches to discuss mutual concerns. The Judicial Branch would staff the committee,

and issue a report after two years on whether the committee should continue. The bill is likely to pass.

Court Management Council (CMC) Model Court Administrator Job Description

With direction from the BJA, the CMC approved a Model Court Administrator Job Description in 2003. The role of court administrators has changed substantially since 2003. The District and Municipal Court Management Association (DMCMA) recognized a need to edit the Model Job Description, and brought a draft to the CMC to develop a final proposal. The Model Job Description is intended to be used as starting document to hire a qualified court administrator. The Model Job Description aligns with the National Association for Court Management (NACM) core competencies.

It was moved by Judge Mann and seconded by Chief Justice González to approve the new Model Court Administrator Job Description as provided in the meeting materials. The motion carried unanimously.

Policy and Planning Committee Adequate Funding Survey

Judge Robertson thanked Penny Larsen for her work on the Adequate Funding Survey. Penny Larsen reviewed the survey results included in the meeting materials. The survey report will be posted on Inside Courts, and Penny Larsen will send notification when the report is posted.

Small Group Discussion

Participants were divided into small groups and asked to consider one or more of the following questions:

1. In the survey findings presented today, the top three ranked program funding priorities were Therapeutic Courts, Interpreters, and Court Facilitators.
 - What other program(s) would your group prioritize next for funding?
 - Would you recommend funding requests be directed to the state or local level?
2. One of the 2022 BJA goals is advocacy for consistent, adequate funding that is not fee based.
 - What funding sources or strategies could be explored to replace fee-based funding?
3. Members of the BJA and the court community often note that Washington Courts are chronically underfunded. List the most glaring examples of inadequate court funding and if possible, the measures your group would suggest to resolve the inadequacies.

The groups summarized their discussions.

Group 1: This group discussed how to fund court resources such as technology. Funding from the state general fund would be easier than local funding. Why aren't courts receiving local funding? Local funding sources need more education on why funding is needed. One solution might be a local interbranch advisory committee to

discuss common goals. Other examples of inadequate funding include personnel for security, disparity among pretrial services across state, and technology. The group suggested creative funding ideas, like reaching out to companies like Microsoft for donations.

Group 2: This group discussed therapeutic courts and rural courts that don't have the volume to support therapeutic courts. One idea was to create a regional court funding requirement. There needs to be a technical fix for information in JABS coming from courts that are not part of the statewide case management systems. The Legislature should be convinced that state funding is needed for security. There is a significant need for education around state funding for courts and why it is necessary. This group also discussed why there was a low response rate to the survey from rural courts. More responses are needed from rural courts so we can address their needs. There might need to be a rural courts committee on DMCJA.

Group 3: This group discussed stable funding. Federal courts don't charge fees because the federal government funds those courts. The courts could be compared, and local courts could model those courts that aren't fee-based. They discussed local versus state funding and suggested looking at justice by geography and services offered. The interbranch advisory committee could be used to discuss state and local funding.

Group 4: This group discussed a self-help and portal program that should be state funded. Security should be state funded, at least in the beginning. Funding sources were discussed. It is important to get the message out to the state about prioritizing funding. Are there unsuccessful programs that are currently being funded? Court staff and court reporters are underfunded.

Group 5: Discussion included court security and personnel; a rise in *pro se* litigants and how courts should support them; support to judges such as law clerks and a judge team for support; and meeting an increase in requirements for court administrators with appropriate salaries.

BJA Task Forces

Court Recovery (CRTF)

Five CRTF committees have met their goals and concluded their activities. Several rule proposals have been submitted to the Supreme Court Rules Committee. The CRTF charter goes through June 2022. Members will identify items that still need to be addressed and continue to work toward a final report.

Court Security Task Force

This Task Force is continuing to work. They have updated their stakeholder contact list and legislative toolkit. Security Task Force staff have developed a one-page list of court security incidents and have met with 15 legislators. Victim advocates have agreed to testify before the legislature on security needs.

Standing Committee Reports

Budget and Funding Committee (BFC)

The judicial branch approach to the biennial budget request is broader this year. Included in the meeting materials was a schedule for the 2023–25 Biennial Budget process. Also included was a template for a concept paper for Judicial Branch budget requests.

The Legislative budgets are expected to be published on February 21, and Christopher Stanley will send an e-mail with budget information.

Court Education Committee (CEC)

Over 70 new judicial officers attended the Judicial College in January, including a judge from Japan and several tribal judges. A new court education professional was hired at the AOC to focus on self-administered, online programs for judicial officers and programs related to protection orders. The CEC sponsored the *Situational Awareness and Personal Safety* webinar, with over 300 attendees. The webinar is now posted on Inside Courts.

Most spring conferences will be virtual. The CEC will meet to discuss in-person trainings.

Legislative Committee (LC)

The LC report was included in the meeting materials.

Legislative Session Update

There are three weeks remaining in the Legislative session. Brittany Gregory gave an update on the status of BJA request legislation. Additional information was included in the meeting materials. Brittany Gregory received a lot of positive feedback on BJA bills, and gave an update on several trailer bills from last year's legislation. Brittany Gregory will be soliciting proposals for next year's Legislative session in late March.

Policy and Planning Committee (PPC)

The next PPC meeting is today, and members will review the feedback from the small group discussions. Members plan to discuss funding projects, create a work plan, and review the PPC charter. A report was included in the meeting materials.

WSCCR Presentation: Why Courts Should Adopt Learning Organization Practices

Dr. Carl McCurley of AOC's Washington State Center for Court Research shared information on how courts can use data for local court improvement. Improved access to data will help courts answer questions about who is coming to the courts and how the courts can respond. Dr. McCurley asked meeting participants to respond to three questions about this project: What topic areas should be the top priority for implementation; if you were before the court, what would be your priority for data for

justice; and aside from funding, what is the biggest challenge to data for justice effectiveness?

Statewide Updates:

Court emergency orders and court rules

A list of emergency orders and rules was included in the meeting materials. Chief Justice González wants to review the terms of each and whether expiration dates are included in the order or rule. The language on ending date varies with each order, and Chief Justice González will look closely at each order. He encouraged participants to contact him if an order pertains to their work, and courts should consult with their local health department. Courts are not bound by Governor Inslee's March 21 mandate.

Department of Health (DOH) Guidance Updates

Due to a favorable trend in health metrics from the DOH, Governor Inslee announced moving toward a less restrictive mask mandate on March 21. Local governments are still allowed to enact their own mask requirements. More guidance will be circulated to courts when AOC receives it. Dawn Marie Rubio said there is a difference between isolation and quarantine depending on whether someone has received a booster vaccination. Courts should keep this in mind when considering when to bring back employees.

The Washington State Bar Association (WSBA) Board of Governors passed a vaccination policy for members of the Board and volunteers in July of 2021. The policy has not been updated and will be revisited at their March meeting. Policy decisions for employees and people taking the bar exam will be made by the WSBA Executive Director.

November 19, 2021 Meeting Minutes

It was moved by Chief Justice González and seconded by Judge Glasgow to approve the minutes of the November 19, 2021 Meeting. The motion carried unanimously.

Information Sharing

A list of new judicial officers was included in the meeting materials. Chief Justice González welcomed the new judicial officers and encouraged others to welcome new judges, especially those in their county.

New AOC staff Cherif Sidiali, Kyle Landry, and Tessa Clements introduced themselves.

The Court of Appeals Division I is going through a strategic practices review. Judge Appelwick is retiring at the end of March, and Judge Chun has been nominated to the United States District Court.

Judge Glasgow welcomed Judge Price to the Court of Appeals Division II. They are working with the other Court of Appeals divisions on strategic planning.

The Court of Appeals Division III has a new judge.

The Superior Court Judges' Association (SCJA) is focused on the legislative session and planning ahead for next year. There will be a long range planning session in May or June, and the SCJA is also preparing to work with the Washington Citizens' Commission on Salaries for Elected Officials. Judge Forbes will be the new SCJA president beginning in May.

The District and Municipal Court Judges' Association (DMCJA) spring conference will be held remotely June 6–10. The DMCJA is also busy with the legislative session. Priorities include security funding as well as funding for therapeutic courts, a DMCJA policy analyst, and eFiling. The DMCJA is working with the AOC's Office of Court Innovation on an analysis of several courts looking at equity and domestic violence issues.

The Access to Justice Board is in the process of recruiting three new board members. An application will be published next week.

The Minority and Justice Commission released its *Judges of Color Directory*. The [Directory](#) link will be sent to the BJA listserv.

Other

The next BJA meeting will be March 18. There being no further business, the meeting was adjourned at 11:47 a.m.

Recap of Motions from the February 18, 2022 Meeting

Motion Summary	Status
Approve the new Model Court Administrator Job Description as provided in the meeting materials.	Passed
Approve the minutes of the November 19, 2021 Meeting.	Passed

Action Items from the February 18, 2022 Meeting

Action Item	Status
The link to the Minority and Justice Commission <i>Judges of Color Directory</i> will be sent to the BJA listserv.	
<u>November 19, 2021 BJA Meeting Minutes</u>	
<ul style="list-style-type: none"> • Post the minutes online • Send minutes to the Supreme Court for inclusion in the En Banc meeting materials. 	Done Done

BJA 2021–2022 Goals and Progress

The BJA provides leadership and accomplishes its work through: 1) Policy: establishing a judicial position on legislation and prioritizing funding requests from the general funds; 2) Communication: improving information sharing within the judiciary to help foster the local administration of justice and enable the judiciary to speak with a unified voice; and 3) Resources: engaging in resource development through the committees' work and more recently the Task Forces.

The 2021–2022 BJA goal is to see increased communication, diversity, and inclusion efforts while focused on:

- 1) **Recovery from COVID** – The BJA will continue to focus efforts and support for the Court Recovery Task Force, BJA policy and funding initiatives, and outreach efforts that help courts recover from COVID impacts and bring forward necessary changes to providing court services.

Activities:

- Continued the work of the BJA Court Recovery Task Force.
- Identified policy and funding needs to help address court impacts through legislative requests.
- Provided space for conversations and problem solving, updates on court rules and happenings across the state, and statewide efforts to improve interbranch communication.
- Provided training opportunities for court personnel.

- 2) **Advocacy for consistent funding that is not fee based** – The BJA will identify court funding needs and advocate for statewide funding to address these needs.

Activities:

- Successfully advocated for several statewide funding requests.
- Surveyed courts to identify court funding needs.

- 3) **Court security improvements** – The BJA will continue to support court security improvements through the Court Security Task Force, funding and policy initiatives, training, and implementation of a grant program providing funds to local courts for security equipment.

Activities:

- Implemented grant funding to identified courts for security equipment.
- Continued Court Security Task Force.
- Implemented a statewide legislative advocacy communication campaign during the 2022 session.
- Developed and implemented court security communication network and training.